Meeting of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

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Confidence Building Measures (CBM) submissions in terms of quantity and quality

Step-by-Step Approach to CBM Participation

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Co-sponsored by Australia, Germany, Malaysia, and Switzerland

I. Introduction

1. The confidence-building measures (CBMs) have played an important role in preventing or reducing the occurrence of ambiguities, doubts and suspicions among State Parties. The CBMs were introduced and agreed upon at the Second and Third Review Conferences in order to contribute to enhancing transparency and confidence under Article V of the BWC.

2. The Eighth Review Conference emphasized the importance of the exchange of information among States Parties through the CBMs and noted that exchange of information had contributed to enhancing transparency and building confidence. It also recognized the technical difficulties experienced by some States Parties in completing full and timely submissions, noted the desirability of making the CBMs more user-friendly and stressed the need to ensure that they provide relevant and appropriate information to States Parties.

3. Statistics show a clear upward trend in the level of CBM participation since 2013.Nevertheless, engagement by States Parties continues to remain low even after the introduction of the updated forms. In fact, only half of the States Parties submitted CBMs in 2017. One of the reasons for this low engagement is that some States Parties encounter a range of difficulties in completing CBM forms, beyond mere technical challenges. For example, some States Parties have difficulties in coordination among relevant governmental agencies. Therefore, this working paper proposes that States Parties submit CBM forms

using a "step-by-step approach" as a practical way of achieving the end-goal of "full and timely" CBM participation.

4. During the intersessional process from 2018 to 2020, States Parties are expected to discuss the quality and quantity of CBM submissions in the Meeting of Experts on Strengthening National Implementation (MX3). Taking this opportunity, this working paper suggests that States Parties recognize the importance of consideration and adoption of the Step-by-Step Approach by the next Review Conference as a valuable concept to improve CBM participation. The anticipated increase in CBM submissions would demonstrate a strong political commitment to the BWC.

II. Objective of This Approach

5. he first step for CBM submission is building a network among domestic stakeholders in a cooperative manner, since CBM submission requires effort and coordination among relevant ministries and agencies in order to collect the necessary information to fill out the forms.

6. However, relevant ministries and agencies may have different perceptions regarding their roles related to the BWC. This includes various concerns over the disclosure of sensitive information. Therefore, it is a challenging task to establish cooperative networks among relevant ministries and agencies.

7. We believe it is sensible in the initial years for States Parties to enhance their mutual understanding and to build confidence with domestic stakeholders while minimising the content of CBM returns to a manageable level. This approach could contribute to reducing the burdens on States Parties and encourage States Parties to submit forms on a continual basis.

8. In the context of gradual improvements in increasing transparency, even limited submissions would help build confidence among BWC states parties. Submission of one CBM form is clearly preferable over no submission.

III. The Additional Benefits of This Approach

9. The proposal for a "step-by-step approach to CBM participation" would benefit States Parties that have either never submitted a CBM form or those that have difficulties in submitting forms annually and fully.

10. Working towards CBM submission in a step-by-step manner would enable States Parties to recognize, and in due course address, potential challenges in the collection of relevant information.

11. Currently, CBM returns from States Parties vary in content, volume, and quality. The means and processes of collective work and coordination among relevant ministries and agencies are different in each State Party.

12. Therefore, it is important for States Parties to closely consult and recognise the challenges that each State Party may have regarding the collection of necessary information for CBMs. We should also consider providing adequate support to States Parties in need.

13. This approach could contribute to improvement in CBM participation thereby increasing transparency and confidence among States Parties.

IV. Practical Considerations

14. This approach allows for flexibility in the order in which forms are submitted and does not prioritise any particular form. The step-by-step approach aims to increase the number of CBM participants while expecting a gradual accumulation of CBM information.

15. States Parties should pursue flexible sequencing of CBM submissions based on their own judgement. For convenience, some examples are presented in the Annex to this working paper. Additionally, States Parties are encouraged to demonstrate their commitment to a complete CBM submission by sharing their situation with other States Parties. These efforts could contribute to promoting confidence and transparency among States Parties.

V. Further Development

16. In addition to continuous efforts for improving the number of States Parties providing CBMs, other measures such as a substantive review of the forms may be worth considering. In response to the challenges in completing CBM submissions, the Seventh Review Conference revised the reporting forms in order to reduce the burdens of completion and to further enhance participation of States Parties in CBMs. Moreover, an electronic submission platform, completed with financial assistance from Germany, will be presented during this year's Meeting of Experts. This e-CBM platform should render CBM submissions more convenient for States Parties and would facilitate a more substantive review of the forms.

VI. Conclusion

17. The step-by-step approach aims to introduce flexibility for each State Party in the CBM submission process and anticipates a synergistic effect with other initiatives. Although submission of CBM forms is a politically binding obligation, the number of participating States Parties remains low and only one about half of States Parties currently fulfil their commitment. It is critical to improve the participation rate in order to enhance transparency and to build confidence through more participation in a flexible but effective CBM regime.

18. This proposal encourages States Parties to submit each CBM form separately and gradually. At the same time, in order to enrich CBMs, it is important for the BWC States Parties to improve the quality of content in the future.

Annex

Examples of CBM Submission

Example 1

1st year: Form E.

2nd year: Form A & F + updated Form E.

3rd year: Form B+C+G+ updated A, E, F

Form E of the CBMs includes a declaration of legislation, and regulations and other measures. Both of these will require information from a number of internal ministries and agencies. Therefore, it is necessary to build a cooperative network among all relevant BWC stakeholders. Recognising such a requirement, the first year is allocated for intergovernmental coordination and only Form E would be submitted. The States Parties could also focus their efforts on coordinating at the national level, while simultaneously, the domestic stakeholders could review the status of national implementation from the point of legislative measures through Form E. After the second year, necessary information for filling in the remaining forms would be easily collected from the relevant ministries and agencies based on the cooperative network built in the first year.

In addition, other States Parties could use the information as a positive reference to further consider improvements to their own national measures.

Example 2

1st year: Form E & F,

2nd year: Form A, B, C + G updated Form A+E,

3rd year: review of all Forms

In the 1st year, concurrent with our efforts on intergovernmental coordination for the submission of Form E, States Parties would also prepare Form F which includes past activities in offensive and/or defensive biological research and development programmes and in most cases its information could be obtained from the ministries in charge of defence or national security. Based on the network built in the first year, States Parties would work on the remaining forms in the second year and aim at the submission of a completed set of CBM returns in two years.

It would be recommended that the information in all the forms and the way of collecting information are reviewed in the third year from the perspective of quality of information and improvement as well as ensuring that the domestic network remains relevant to the reporting requirements.

Example 3

1st year: Form B & G,

2nd year: Form A, F + G updated Form B+G,

3rd year: Form C & E form+ updated Form A, B, F, G

This example illustrates the way to involve national stakeholders in the CBM regime gradually and to expand the intergovernmental network each year. In the first year, emphasis will be placed upon building a network with ministries or agencies in charge of public health. The 2nd year, a focus will be towards those responsible for defence or research. The 3rd year, attention will be on trade and exchange. In addition, States Parties could focus on building a network with national stakeholders within a specific field each year.

Form A includes relatively sensitive information in the context of national security, such as data on research centres and laboratories, and information on national biological defence research and development programmes. In particular, ministries and agencies in charge of defence and national security would need enough time to consider the information disclosure standards. Therefore, starting a discussion about Form A earlier (in the first year) and giving considerable time to submit Form A (in the 2nd year) could allow stakeholders to provide information after carefully examining its disclosure. Such a consideration could be important to completing CBM forms as a political obligation and could contribute to enhancing transparency and building confidence.

Reference: Outline of Each Form

Form A

Exchange of Data on research centres and laboratories, Information on national biological defence research and development programmes

Form B

Exchange of Information on outbreaks of infectious diseases and similar occurrences caused by toxins

Form C

Encouragement of publication of results and the promotion of use of knowledge

Form E

Declaration of legislation, regulations and other measures

Form F

Declaration of Past activities in offensive and/or defensive biological research and development programmes

Form G

Declaration of vaccine production facilities